

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**ERIC LEE ALLEN,  
ADC #152530**

**PLAINTIFF**

**V.**

**CASE NO. 4:14CV602 BSM/BD**

**ORLANDO NEWBURN, et al.**

**DEFENDANTS**

**RECOMMENDED DISPOSITION**

**I. Procedures for Filing Objections:**

This Recommended Disposition (“Recommendation”) has been sent to Chief Judge Brian S. Miller. Any party to this suit may file written objections with the Clerk of Court within fourteen (14) days of filing of the Recommendation. Objections must be specific and must include the factual or legal basis for the objection.

By not objecting, any right to appeal questions of fact may be jeopardized. And, if no objections are filed, Judge Miller can adopt this Recommendation without independently reviewing the record.

**II. Background:**

On October 15, 2014, Plaintiff Eric Lee Allen filed this lawsuit *pro se* under 42 U.S.C. § 1983, while he was a pretrial detainee at the Pulaski County Regional Detention Facility. He was granted leave to proceed *in forma pauperis* (“IFP”). Mr. Allen alleges that Defendants used excessive force against him, denied him access to medical care, and violated his due process rights.

On October 19, 2015, Mr. Allen filed notice of his new address, indicating he had been released from the Detention Center. In response, the Court directed Mr. Allen to submit a new, non-prisoner application to proceed IFP to confirm whether he is still entitled to proceed in this case without full payment of the statutory filing fee. (Docket entry #51) Mr. Allen has failed to submit a new IFP application in the time allowed, although he was cautioned that failure to comply would result in dismissal of his case, without prejudice.

**III. Conclusion:**

The Court recommends that this case be dismissed, without prejudice, under Local Rule 5.5(c)(2) for Mr. Allen's failure to comply with the Court's Order of October 20, 2015. Defendants' motion for summary judgment (#43) and Mr. Allen's motion to dismiss Defendants' motion for summary judgment (#49) should be DENIED as moot.

DATED this 16th day of December, 2015.

  
UNITED STATES MAGISTRATE JUDGE